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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Realization of the equal enjoyment of the right to education by every girl

Report of the United Nations High Commissioner for Human Rights

Summary

The present report was prepared pursuant to Human Rights Council resolution 32/20. It underlines the multiple and intersecting obstacles that limit effective and equal access of girls to education and highlights good practices to address those barriers. It also contains recommendations on appropriate measures to ensure the equal enjoyment of the right to education by every girl and, in that context, eliminate all gender disparities in education by 2030, in fulfilment of the commitment made in Goal 4 of the Sustainable Development Goals.

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I. Introduction

1. In its resolution 32/20, the Human Rights Council recognized that education was a multiplier right that empowered women and girls to make choices to claim their human rights, including the right to participate in public affairs and to participate fully in the making of decisions that shape society. The Council requested the United Nations High Commissioner for Human Rights to prepare a report, in close cooperation with all relevant stakeholders, on the realization of the equal enjoyment of the right to education by every girl, to be submitted to it at its thirty-fifth session.

2. A note verbale was sent on 11 October 2016, requesting submissions from States and other stakeholders; 35 submissions were received.[1] Further information was obtained from relevant stakeholders by way of reports, correspondence and research.

3. Despite universal recognition of the right to education for everyone, girls are still more likely than boys never to attend school. As of 2014, over 32 million girls of primary school age did not attend school and it is estimated that 15 million girls — mainly those living in poverty — will never set foot in a classroom, compared to 10 million boys.[2] These disparities have also contributed to the fact that women account for nearly two thirds of the world's 758 million adults who cannot read or write, and the gap is even wider in situations of conflict, where girls are nearly two and a half times more likely to be out of school than boys.[3]

4. Despite progress, in particular in primary education, much remains to be done at all levels of education and across regional, national and subnational levels to ensure that every girl has equal right to quality education and is not left behind. With gender equality at the heart of the 2030 Agenda for Sustainable Development, in devising laws, policies and plans to implement it, States must ensure compliance with their international human rights obligations.

II. Legal framework and developments

5. The right to education, including its equal enjoyment by every girl, is universally recognized and guaranteed in many international and regional legal instruments.[4] It consists of four essential and interrelated principles — availability, accessibility, acceptability and adaptability — , which duty bearers have the obligation to respect, protect and fulfil.[5]

6. Although the right to education is subject to progressive realization, and limitations are recognized, international human rights standards nonetheless impose upon States obligations that have immediate effect. For instance, the obligation of non-discrimination applies "fully and immediately to all aspects of education" and "encompasses all internationally prohibited grounds of discrimination".[6] Additionally, States have an

[1] The submissions are available from www.ohchr.org/EN/Issues/Women/WRGS/Pages/EveryGirl.aspx.

[2] UNESCO, *Global Education Monitoring Report 2016: Gender Review — Creating Sustainable Futures for All* (2016), p. 15.

[3] Ibid., pp. 22 and 27.

[4] See, inter alia, the International Covenant on Economic, Social and Cultural Rights, art. 13 (2); the Convention on the Elimination of All Forms of Discrimination against Women, arts. 10, 14 and 16; the Convention on the Rights of the Child, arts. 28-29; the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education and Recommendation against Discrimination in Education; the African Charter on Human and Peoples' Rights, art. 17; the Arab Charter on Human Rights, art. 34; the Council of Europe Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, art. 2; and the American Declaration of the Rights and Duties of Man, arts. 12 and 31.

[5] See E/CN.4/1999/49, para. 50; and Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education, paras.13 and 46.

[6] Convention on the Rights of the Child, art. 2; Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), para. 31.

immediate obligation to take deliberate, concrete and targeted steps, to the maximum of their available resources, and to move expeditiously and effectively towards fully realizing the right to education.[7]

7. Girls' equal right to education is regularly emphasized in the concluding observations on State party reports by human rights treaty bodies, with 46 references on the subject in 2014 to 2015 alone. Diverse special procedure mechanisms have also taken up the issue in their thematic and country reports and communications. In 2015 and 2016, 51 recommendations relating to girls' right to education were made to States during their universal periodic reviews; 49 were accepted.[8]

8. In addition to the agendas of the Millennium Development Goals (2000-2015) and the Sustainable Development Goals (2015-2030), numerous non-binding political instruments have recognized the need to ensure girls' equal right to education, including the International Conference on Population and Development (1994); the Beijing Declaration and Platform for Action (1995); the Dakar Framework for Action (2000); the Incheon Declaration and Framework for Action (2015); and the United Nations Girls' Education Initiative.

III. Obstacles to girls' access to education

9. Multiple and intersecting obstacles limit the enjoyment of the right to education by children around the world. While some of these affect girls and boys alike, those highlighted below illustrate specific hurdles faced by girls.

A. Gender stereotypes

10. Gender stereotypes about the role of women as relegated to the family sphere underpin all obstacles to girls' equal access to quality education.[9] Girls are often socialized to assume domestic and care responsibilities, with the assumption that they will be economically dependent on men. The stereotype of men as breadwinners leads to the prioritization of boys' education. Stereotypes often dictate different expectations for boys and girls, such as completion of education and fields of study to pursue. Stereotypes are also perpetuated in school curricula and materials, which often leads to occupational gender segregation, with girls less likely to study and pursue careers in highly valued professional and traditionally male-dominated fields, such as science, technology, engineering and mathematics.[10]

11. Education can contribute to dismantling harmful gender stereotypes and norms, which have long-lasting and wide-ranging impacts on all aspects of girls' and women's lives.

12. El Salvador, Estonia, Lithuania, Slovakia, Spain, Mexico and Equality Now recognized that gender stereotyping was a central challenge to girls' access to education. Burkina Faso, Cuba, France, Mali, Mauritius, Nicaragua, Slovenia and Defence for Children International emphasized their engagement in awareness-raising initiatives with parents, families, community and religious leaders, and the media with a view to addressing harmful views and beliefs. Georgia and Ireland reported that they had taken specific measures to promote careers for women in science, technology, engineering and mathematics. The United Arab Emirates highlighted the establishment of the Centre for Creativity and Innovation for women and girls, with the aim of promoting equal

[7] Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), paras. 43-45.

[8] See also A/HRC/30/23.

[9] See Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, paras. 27-28; Office of the United Nations High Commissioner for Human Rights (OHCHR), "Gender stereotyping as a human rights violation" (October 2013), pp. 8-9.

[10] UNESCO, *Global Education Monitoring Report 2016*, p. 34.

opportunities in information and communications technology, including through training, research and innovative applications. Saudi Arabia reported that it provided awareness-raising training and programmes to limit and prevent infrequent school attendance and girls' dropping out.

13. International human rights standards specify that States' obligation to eliminate discrimination against girls and boys includes dismantling stereotyping by taking proactive measures — in cooperation with girls and boys, women and men, civil society, and community and religious leaders — to promote girls' empowerment and eliminate harmful gender stereotypes in both public and private life.[11]

14. Human rights treaty bodies have recommended that States take comprehensive measures to overcome gender stereotypes that discriminate against and act as a barrier to the education of girls.[12] Stereotypical beliefs among parents, teachers and community leaders regarding the importance and value of education for girls should be challenged. Comprehensive strategies to eliminate negative attitudes, practices and stereotypes should be formulated, including in the context of education, with the involvement of girls. They should have clearly defined targets and appropriate monitoring mechanisms.[13]

B. Legislation, policies and budgets

15. Several States have laws and policies that curtail girls' equal enjoyment of the right to education.[14] Even apparently gender-neutral laws and policies can — often owing to prevailing social norms — result in girls being left out of school,[15] such as those that fail to provide goods and services targeting girls' needs or that do not explicitly protect girls' rights to make decisions about their bodies and life choices. These include laws and policies that allow child marriage, permit discriminatory school admission criteria, such as excluding pregnant girls, and restrict girls' freedom of movement. Plan International and the National Youth Council of Ireland noted that girls' voices are not always heard, which leads to the development of laws and policies that do not reflect their views, needs and experiences.

16. Repealing discriminatory laws and policies and adopting measures to advance gender equality that specifically combat discrimination in education are critical. The adoption of legal and policy frameworks to guarantee girl's equal access to education, including in the context of the implementation of the Sustainable Development Goals, was highlighted by several States, including Brunei Darussalam, Burkina Faso, Colombia, Cuba, El Salvador, Estonia, Finland, France, Georgia, Lithuania, Mali, Mexico, Monaco, Montenegro, Qatar, the Russian Federation, Saudi Arabia, Slovakia, Spain and the United Arab Emirates.

17. Laws and policies must be effectively implemented, monitored and evaluated, and involve meaningful participation and awareness of their rights by girls and boys.[16] Adequate financial resources and direct, transparent, gender-sensitive budgeting for

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[11] See for example, the Convention on the Elimination of All Forms of Discrimination against Women, arts. 5 and 10 (c); the Convention on the Rights of the Child, art. 2; Committee on the Rights of the Child, general comment No. 20 (2016), para. 28; Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), para. 55.

[12] See CEDAW/C/GRC/CO/7, para. 27 (b); CEDAW/C/ALB/CO/3, para. 31; CEDAW/C/BEN/CO/4, para. 27 (c).

[13] See CEDAW/C/BFA/CO/6, para. 32; Committee on the Rights of the Child, general comment No. 20 (2016), para. 69; CRC/C/IRQ/CO/2-4, paras. 17-18.

[14] World Bank, *Women, Business and the Law 2016: Getting to equal* (2015), pp. 4-5.

[15] OHCHR, *Project on a Mechanism to Address Laws that Discriminate against Women* (March 2008), p. 6.

[16] See A/HRC/26/39, para. 15; Committee on the Rights of the Child, general comment No. 12 (2009) on the right of the child to be heard, paras. 105-114.

education is also required,[17] otherwise, higher out-of-pocket costs and limited available spaces will lead to competition among girls and boys for places in schools. Compounded with gender inequalities and labour laws, policies and markets that favour men may, in turn, result in prioritization of boys' education at the expense of girls.

18. States have an obligation to seek international assistance and cooperation when their resources are insufficient. International partners can provide financing and resources, which should be coordinated, sustainable and monitored, and effectively target girls most at risk of being left behind.[18]

19. Every girl should have access to and be informed about child-friendly, gender-sensitive and safe judicial and non-judicial remedies when their rights, including to education, are violated.[19] Without effective and comprehensive accountability at the national level, all human rights, including the right to education, are but hollow promises. It is crucial that the right to education be justiciable as a legal right and an enforceable entitlement.[20] National human rights institutions could play a stronger role in monitoring equal access of girls to education, and receiving and adjudicating complaints.[21]

C. Costs

20. Girls are more likely to perform poorly at school and drop out when parents or guardians live in poverty and/or cannot afford to pay school expenses, such as school fees, textbooks, uniforms, transportation and lunches. This is compounded by gendered expectations related to domestic and care responsibilities, and parental biases towards boys' education for them to have better career prospects.

21. Many States indicated that they provided free primary and secondary education for girls and boys, with some covering indirect costs such as uniforms, materials, lunches and transportation.[22] El Salvador indicated that it provided free education at all levels and had also implemented a programme that provided free lunches, uniforms and school supplies; Mauritius stated that it provided all students with free transportation; and Oman highlighted that it awarded 500 full scholarships annually for higher education to girls who completed secondary school with an 80-per cent grade point average.

22. Quality education must be economically accessible to everyone without discrimination, and every girl has the equal right to the same opportunities to benefit from scholarships and study grants.[23] Where quality primary education is available free of charge, States are also required to progressively introduce free quality secondary education for all.[24] Special temporary measures, such as financial transfer schemes and programmes that incentivize girls going to school, have increased girls' enrolment rates and contributed to changing attitudes towards girls' education.[25] Such measures should be gender-sensitive, specifically targeted to girls most at risk of being left behind, and their impact should be carefully assessed.

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[17] Committee on the Rights of the Child, general comment No. 19 (2016) on public budgeting for the realization of children's rights, paras. 41-44; CEDAW/C/PER/CO/7-8, paras. 13-14; A/HRC/26/39, para. 23.

[18] OHCHR, "Attacks against girls seeking access to education", Background paper (2015), p. 25.

[19] Convention on the Rights of the Child, art. 12 (2); Committee on the Rights of the Child, general comment No.12 (2009), para. 47; A/HRC/26/39, para. 105.

[20] See A/HRC/23/35, para. 58.

[21] See submission from Honduras.

[22] See submissions from Burkina Faso, Colombia, Finland, Mali, Qatar, the Russian Federation, Saudi Arabia and the United Arab Emirates.

[23] Convention on the Elimination of All Forms of Discrimination against Women, art. 10; Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), para. 6 (b).

[24] Convention on the Rights of the Child, art. 28 (1); International Covenant on Economic, Social and Cultural Rights, art. 13 (2).

[25] See A/HRC/26/39, para. 37; United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Progress of the World's Women 2015-2016*, p. 138; submission from Burkina Faso.

D. Privatization

23. The expansion of privatized education may raise the cost of quality education and lead to disinvestment in public education, which could further entrench gender inequality in society.[26] Many private schools have discriminatory admission requirements and are profit driven, and therefore not universally and equally accessible. They do not always follow the national curriculum or employ qualified teachers; some may not be registered with the national authorities or may be privately managed with limited government oversight, accountability or adherence to national prescriptive regulations. All these factors can limit girls' participation in school, intensify prioritization of boys' education and perpetuate discriminatory curricula, especially when the prevalence of privatized education leads to reduced free and accessible public education options.[27]

24. States have the obligation to protect girls against exclusion from and interference by third parties in quality education, including private entities and non-State organizations such as religious or community schools or schools run by non-governmental organizations. Even where private education systems exist, States remain responsible for respecting, protecting and fulfilling every girl's right to education. The Special Rapporteur on the right to education called upon States to "put in place an elaborate framework of regulations that are prescriptive, prohibitory and punitive, in order to control private providers", "undertake full-scale investigations of fraudulent practices" and "preserve education as a public good".[28]

E. Distance

25. When schools are far from homes, such as in rural and remote areas, the likelihood of girls' non-attendance increases. Girls are also particularly affected when their freedom of movement is restricted, for instance, by discriminatory laws that require permission to travel by a male relative and/or parents' reluctance to allow girls to travel long distances alone owing to safety considerations. Girls in remote and rural settings also tend to drop out of school more regularly than other girls owing to often exacerbated expectations relating to childcare, seasonal work or fetching firewood and water. Those girls make up a large proportion of the national illiteracy rate.[29] Even when schools exist nearby, the quality of education offered may impact girls' enrolment, attendance and completion.

26. States can bring education closer to home, including by ensuring that education plans and policies are sensitive to local realities and responsive to the specific needs of all children; by implementing alternative learning programmes, including the use of ICT to deliver courses, where appropriate platforms and quality assurance can be guaranteed;[30] and by providing safe facilities for girls attending boarding school and affordable forms of transportation to/from school.[31] The United Nations Children's Fund (UNICEF) highlighted its guidelines for gender-responsive sector planning that was rolled out with the United Nations Girls' Education Initiative and the Global Partnership for Education.

27. States have an obligation to ensure that quality education is physically accessible for all girls, including girls in rural and remote areas. States should, inter alia, improve educational infrastructure in rural areas; increase the number of qualified teachers,

[26] See A/HRC/34/27, para. 33.
[27] See A/HRC/29/30, paras. 35, 57, 116 and 120.
[28] Ibid., paras. 116-132.
[29] Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016) on the rights of rural women, paras. 42-43; UNESCO, *Global Education Monitoring Report 2016*, pp. 18-19 and 28.
[30] Submissions from UNESCO, Estonia and the Russian Federation.
[31] See CEDAW/C/SLB/CO/1-3, paras. 32 (a) and 33 (a).

including women; ensure culturally appropriate education in local languages and safe, affordable and accessible gender-sensitive transportation. [32]

F. Education infrastructure

28. Girls may be unwilling to attend school or discouraged from doing so by parents or guardians when schools do not provide water, safe and separate toilets/changing rooms nor take into account girls' particular health needs. Their concentration and participation in class may also be negatively affected in those circumstances. Social stigma around menstruation and HIV/AIDS, for example, often leads to additional discrimination and may further compel a girl to remain at home. [33]

29. States should ensure that schools have adequate and safe drinking water; separate, accessible and sheltered toilets for girls; and hygiene education and resources for menstrual hygiene, with attention to girls with disabilities. [34]

G. School regulations and dress codes

30. School admission practices and regulations that are not gender-sensitive and that discriminate on the basis of sex or gender limit girls' equal enjoyment of the right to education, including different admission criteria for girls and boys to secondary school or higher education or the exclusion of girls from physical education and extracurricular activities. Girls may risk expulsion, public shaming and disciplinary sanctions, including flogging, lashing and other forms of gender-based violence, for non-compliance with the school dress code; and may be discouraged or prevented by parents from attending school if they must either wear or remove religious symbols. [35]

31. Under international human rights law, a legal ban on wearing religious symbols and clothing in schools may be in contravention of the best interests of the child principle, and the child's right to freedom of expression, education and freedom to practise or manifest a religion. [36] All children should participate equally in adopting and addressing regulations such as school dress codes. Cuba highlighted the participation of girls and boys in the elaboration and application of school regulations and the incorporation of a gender-sensitive approach to promoting practices that foster equality. States should carefully consider and closely monitor how dress codes impact girls' access to education. [37]

H. Inclusive and quality learning environment

32. The prevalence of explicit and implicit discriminatory curricula, textbooks, materials and teaching methods can reinforce, foster and normalize discrimination. Unqualified teachers may push girls into non-professional courses, overlook them in classroom discussions and be biased towards boys in terms of grades, opportunities, praise and punishment.

33. Cuba, Estonia, Finland, Mexico, Nicaragua, Slovenia and Spain highlighted the integration of gender equality in national school curricula, teacher training, revision of

[32] Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016), paras. 43 (e) and 87.

[33] OHCHR, "Information series on sexual and reproductive health and rights" (2015); A/HRC/32/44, paras. 68-70.

[34] Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, paras. 11-12; A/HRC/33/49, para. 50.

[35] See, for example, A/HRC/31/79, p. 47, SDN 5/2015.

[36] See CEDAW/C/FRA/CO/6, para. 20; CEDAW/C/TKM/CO/3-4, para. 20; communication No. 931/2000, *Hudoyberganova v. Uzbekistan*, Views adopted on 5 November 2004; communication No. 1852/2008, *Singh v. France*, Views adopted on 1 November 2012.

[37] See CRC/C/15/Add.240, paras. 25-26.

textbooks and dissemination of information on gender equality. Schools on Brunei Darussalam provided platforms for girls to participate in extracurricular activities.

34. States have an obligation to periodically review and revise curricula, textbooks, programmes and teaching methods to ensure that they do not perpetuate harmful gender stereotypes.[38] States should ensure that human rights education, including on gender equality and non-discrimination, is part of the core curricula, that teachers are systematically trained on gender equality and that girls and boys are encouraged to select non-traditional fields of study, including through academic counselling.[39]

35. Girls' equal enjoyment of the right to education also involves sensitivity to differences in skills, knowledge and language competencies, the presence of qualified female teachers, who can be role models, and the existence of student clubs and mentorship programmes.[40] States should ensure a gender balance among teaching staff and in school administrations, including at the senior levels, and the curricula in gender-segregated schools should be the same for girls and boys,[41] so that girls can enjoy the same courses and activities, including sports as boys.[42]

36. Comprehensive sexuality education is often biased, censored, narrowed to biology, age restricted, subject to third party authorization or even excluded from the school curriculum. However, access to comprehensive sexuality education, defined as an "age-appropriate, culturally relevant approach to teaching about sexuality and relationships by providing scientifically accurate, realistic, non-judgmental information",[43] will ensure that girls and boys can make informed decisions about their sexual and reproductive health. It is key for the empowerment of every girl and for combating harmful practices, unwanted pregnancies and sexually transmitted infections, including HIV. Many States, including Colombia, Cuba, El Salvador, France, Mexico and Nicaragua, recognized the importance of comprehensive sexuality education.

37. International human rights mechanisms have clearly established that everyone has a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, non-biased, evidence-based and scientifically accurate and takes into account the evolving capacities of children and adolescents.[44] In the context of ensuring the equal right of girls to quality education, States are obligated to provide education on sexual and reproductive health, ensure that it is part of the mandatory school curriculum and delivered through a holistic approach that is gender- and disability-sensitive and promotes women's rights and gender equality.[45]

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[38] Convention on the Elimination of All Forms of Discrimination against Women, art. 10; Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), paras. 50 and 55; Committee on the Rights of the Child, general comment No. 1 (2001) on the aims of education, para. 10; CEDAW/C/AFG/CO/1-2, para. 33.

[39] Committee on the Rights of the Child, general comment No.1 (2001), paras. 2-3; Committee on the Elimination of Discrimination against Women, general recommendation 34 (2016), para. 43; Committee on Economic, Social and Cultural Rights, general comment 16 (2005), para. 30; General Assembly resolution 66/137.

[40] See submissions from Alice Saisha and Defence for Children International; UNESCO, *From Access to Equality: Empowering Girls and Women through Literacy and Secondary Education*, 2nd ed. (2012), p. 33.

[41] See CEDAW/C/GEO/CO/4-5, para. 27 (d); Plan International, *Girls' Learning: Investigating the classroom practices that promote girls' learning* (January 2013).

[42] Convention on the Elimination of All Forms of Discrimination against Women, art. 10 (b) and (g); A/HRC/32/33, paras. 5, 29, 34 and 101 (e).

[43] UNESCO and others, *International Technical Guidance on Sexuality Education*, vol. 1: the rationale for sexuality education (December 2009).

[44] Convention on the Rights of the Child, art. 24 (2) (f); Convention on the Elimination of All Forms of Discrimination against Women, art.12 (2); Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016), paras. 9 and 49 (f); A/65/162, para. 75.

[45] Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016) on the right to sexual and reproductive health, para. 47; Committee on the Elimination of Discrimination against Women, general recommendations No. 24 (1999) on women and health, para. 18; Committee on the

I. Child pregnancy

38. Prohibitive laws or regulations often deny pregnant girls access to school on the premise that girls stop being children once they become pregnant. They are also often not provided with adequate support and services during their pregnancy nor after they give birth. Mexico recognized the challenges that pregnant girls faced and provided grants to enable pregnant adolescents (12 to 18 years) to complete their education.

39. Every girl has the right to remain in school when she is pregnant and to be reintegrated into school, including through publicized non-discriminatory laws and policies, after she gives birth.[46] Stigma and bullying by students and teachers must be addressed so that they have a safe learning environment in schools.[47] States should ensure that childcare facilities, breastfeeding rooms and counselling are available to pregnant and nursing girls, including on school premises.[48]

J. Gender-based violence

40. Girls are often subjected to gender-based violence on the way to/from and in school, including sexual harassment, assault, abduction, psychological attacks and bullying, perpetrated predominantly by male students, teachers and community members, but also by women and girls, often with impunity. Such violence may target girls who attend school or girls, parents and teachers who promote gender equality and girls' right to education. Documented cases of attacks against girls accessing education, in particular in the context of violent extremism, are on the rise around the world. Yet, few States have specific legislation on gender-based violence in schools or collect the necessary data to effectively address it or integrate gender considerations into efforts to prevent and counter violent extremism.[49]

41. School-related gender-based violence often leads to girls' removal from school owing mainly to concerns for their "marriageability" and attitudes relating to so-called honour.[50] Such violence commonly leads to trauma and stigmatization, and sometimes pregnancy, which significantly curtail the victim's access to education.

42. Various measures have been taken to address this issue, including confidential school monitoring and reporting mechanisms; child-friendly courts; public registers of sexual offenders and prohibition from working with children; capacity-building for law enforcement officials; and rehabilitation services for victims.[51] UNESCO highlighted the "Global guidance on school-related gender-based violence", which provides useful approaches, methodologies, tools and resources to address school-related gender-based violence.

43. States have an international legal obligation to take appropriate and effective measures to protect girls against all forms of gender-based violence by both public and private actors,[52] including the obligation to act with due diligence to prevent and investigate cases of gender-based violence, including by teachers, to duly prosecute and hold perpetrators accountable and to ensure the right of victims to an effective, child-friendly

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Rights of the Child, general comment No. 20 (2016), para. 61; Committee on the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities, para. 40.

[46] Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, para. 69 (a).

[47] Submission from Defence for Children International.

[48] Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016), para. 43 (g).

[49] See A/HRC/26/39, para. 105; A/HRC/33/29, paras. 23, 27, 30, 35 and 64.

[50] OHCHR, "Attacks against girls seeking access to education", p. 3.

[51] See A/HRC/26/39, para. 105; OHCHR, "Attacks against girls seeking access to education", para. 27.

[52] Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women, paras. 9 and 24 (a).

and gender-sensitive remedy.[51] Measures should be designed and monitored with the participation of girls and boys and could include the adoption of safeguards and specific policies, and accessible and safe monitoring and reporting mechanisms.[52] The development of a holistic understanding of the root causes and consequences of school-related gender-based violence against girls, including through systematic research and improved data collection, is also critically needed.[53]

K. Harmful practices

44. Harmful practices are "persistent practices and forms of behaviour that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering".[54] Their occurrence is often justified on religious or sociocultural grounds; as a form of payment, "protection" or financial security; and as a rite of passage to adulthood.[55] Disproportionately affecting girls, in particular in rural contexts, such practices particularly impact girls' access to education. Child marriage has contributed to girls being forcibly excluded from school and to higher school dropout rates, as they are expected to assume their responsibilities as wives and as child bearers.[56]

45. Efforts should be made to counter cultural and social acceptance of such practices, by raising awareness of their harmful effects on girls and the costs to the wider society, including through outreach and support programmes, the media and awareness-raising campaigns, conducted in collaboration with older women and girls, religious and community leaders, civil society, and men and boys.[57] Economic incentives to girls who delay marriage until they complete their education have also proven to be successful in combating child marriage.[58]

46. Under international human rights law, States should take all effective and appropriate measures to abolish traditional practices prejudicial to the health of children, and modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women,[59] including ensuring that girls are made aware of, and have the capacity to claim and exercise, their rights in relation to marriage, as well as ensuring that girls who run away from their families to avoid harmful practices are protected.[60] Teachers can also play a critical role in assisting victims or potential victims of harmful practices.[61]

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[51] Ibid.

[52] GHC10R, "Attacks against girls seeking access to education", p. 26.

[53] Ibid., p. 27; A/HRC/17/26, para. 103; Submissions from UNICEF and National Youth Council of Ireland.

[54] Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014), paras. 15-16.

[55] Ibid., paras. 6 and 62; Committee on the Rights of the Child, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, para. 9; Submission from World Young Women's Christian Association.

[56] Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014), para. 22.

[57] A/HRC/26/22, para. 54 (e).

[58] Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016), para. 23.

[59] Ibid., para. 32; Convention on the Rights of the Child, art. 24 (3); Convention on the Elimination of All Forms of Discrimination against Women, arts. 2 (f), 16 (1) (a)-(b).

[60] Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014), paras. 23 and 54.

[61] Ibid., para. 68.

I. Conflict and situations of instability

87. Conflict and situations of instability, including the impacts of natural disasters and widespread criminal violence, are accompanied by the collapse of a State's public and services provision infrastructure, and its political, economic and social structures. Such situations frequently lead to an exacerbation of pre-existing patterns of discrimination, deepen gender inequalities and expose girls in particular to heightened risks of abuse, exploitation and violations of their rights, including their right to education.

88. Girls' education is compromised when schools are targeted, looted and/or destroyed, closed owing to insecurity or occupied for military purposes or as shelters.[64] Grave rights violations following the "normalization of gender-based violence" deter and prevent girls from attending school and may include targeted attacks, forced exclusion, forcible recruitment, abduction, sexual slavery, harassment and threats against girls by armed groups and criminal gangs.[65] In such insecure contexts, girls are particularly prone to harmful practices and being kept at home to assume domestic responsibilities or to partake in exploitative forms of income generation. Defence for Children International noted that, in many contexts, day-to-day survival prevailed over investment in the long-term future of girls.

89. Some global initiatives have sought to address those challenges and protect the right to education in situations of instability. Education Above All foundation promotes innovative approaches, including addressing data challenges concerning attacks on education.[66]

90. International human rights, including the right to education, continue to apply in the context of armed conflict and occupation, in addition to rights guaranteed under international humanitarian law, refugee law and international criminal law.[67] The Security Council has adopted a number of resolutions on children and armed conflict and on women, peace and security, which include calls on parties to conflicts to refrain from actions that impede children's access to education and to prevent the military use of schools.[68]

91. States should prioritize the protection of schools from attacks and ensure that girls are protected against violence on their way to/from and in school. States should provide girls with appropriate remedies when their rights are violated so as to enable them to have equal access to education as boys,[69] including repairing damaged educational institutions and facilitating access to girls; outreach, repatriation and remedial programmes, including specialized education services for victims of gender-based violence and reintegration programmes for girls who have not been attending school;[70] and increased funding and resource allocation for girls' education at all levels and in every situation.

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[64] See for example, A/HRC/27/60, para. 87.

[65] Ibid., para. 42; OHCHR, "Attacks against girls seeking access to education", p. 11; Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Protect schools and hospitals. End attacks on education and healthcare*, Guidance Note on Security Council resolution 1998 (New York, 2014), p. 4.

[66] Education Above All Foundation (http://educationaboveall.org/).

[67] See, inter alia, Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention), arts. 24, 50 and 94; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 48, 52 and 78; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 4 (3).

[68] For example, Security Council resolutions 1325 (2000), 1998 (2011) and 2143 (2014).

[69] Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016), para. 43 (e).

[70] OHCHR, "Attacks against girls seeking access to education", pp. 13-14.

IV. Girls at particular risk of being left behind

52. Even where educational opportunities are available, girls may experience multiple and intersecting forms of discrimination that restrict their enjoyment of the right to education, particularly in the transition from primary to secondary school. Gender-based obstacles may combine with, inter alia, identity, ethnicity, beliefs, health status, location, migration status or their particular situation at the given time, including, but not limited to, girls living in poverty, on the street, in rural and remote areas; with disabilities; belonging to national, ethnic, religious or linguistic minorities, a particular caste, of African descent; stateless, migrants, in particular those in an irregular situation and in immigration detention, displaced and/or fleeing conflict-affected or fragile environments; orphans and/or deprived of a family environment; living with HIV/AIDS; and lesbian, bisexual, transgender and intersex girls.[71]

53. Children, in particular girls, with psychosocial, intellectual, sensory or physical impairments are commonly segregated and face significant challenges in accessing quality, inclusive education.[72] Girls with disabilities are often confronted with a variety of discriminatory and/or lack of enabling laws, policies and practices that restrict their right to education:[73] they may be denied enrolment in public and private institutions ; parents/guardians or care facilities may refuse to allow them to attend school; they may not be given priority to obtain assistive devices and rehabilitative services to access education; and transportation and education infrastructure, including lack of accessibility to separate sanitation facilities or safe and adapted facilities to manage menstrual hygiene may be inadequate.[74]

54. Many States had taken a number of measures to reach girls most at risk of being left behind. The Bourses Maman programme in Mali provided women with grants for income-generating activities in return for ensuring that girls attended school and encouraged the recruitment of female teachers in rural schools. Schools in Finland were required to prepare annual plans on non-discrimination and gender equality, which also addressed discrimination faced by girls belonging to minorities. Nicaragua had adapted school curricula and materials to the specific situation of each region and language, in collaboration with girls in vulnerable situations. Plan International had worked in Sierra Leone supporting marginalized girls and children with disabilities to help them to stay in school, including through after-school study groups, payment of school fees, provision of textbooks, school uniforms and learning materials, as well as teacher training on gender- and disability-sensitive education.[75]

55. States should address the multiple and intersecting forms of discrimination that girls may face and provide quality, inclusive education that is accessible to all girls, with particular attention to those in the most vulnerable and marginalized situations.[76] States must ensure birth registration so that every girl is counted and has access to education. States should also ensure that all girls have the opportunity to access early childhood education to facilitate their smooth transition to primary education.[77] States should further adopt temporary special measures aimed at realizing de facto equality for girls and boys

[71] Committee on the Rights of the Child, general comment No. 20 (2016), paras. 33-34, 48 and 70; A/HRC/29/23, paras. 55-57; UNESCO, *Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression* (2016).

[72] A/HRC/25/29, paras. 35-40 and 56.

[73] Committee on the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities, para. 56.

[74] Committee on the Rights of Persons with Disabilities, general comment No. 4 (2016) on the right to inclusive education, para. 38.

[75] Plan International, "Girls' Education Policy Briefing" (2016), p. 5.

[76] Convention on the Rights of Persons with Disabilities, arts. 6 and 24; Committee on the Rights of the Child, general comment No. 20 (2016), para. 70.

[77] Convention on the Rights of the Child, art. 7; Committee on the Rights of the Child, general comment No. 7 (2005) on implementing child rights in early childhood, paras. 25, 28 and 30.

together with measures for disadvantaged groups, and ensure that they do not lead to the maintenance of unequal or separate standards.[78]

V. 2030 Agenda for Sustainable Development

56. The Millennium Development Goals helped to mobilize political will and investment to improve girls' access to education. From 2000 to 2015, the gender gap in literacy narrowed sharply and there was a significant increase in primary school attendance worldwide, accompanied by greater parity between girls and boys.[79] Nonetheless, despite the increase of the number of girls finishing primary education, the gender gap in lower secondary education remained wide and prevalent in nearly 60 per cent of countries, with girls living in poverty and/or in rural areas most adversely affected.[80]

57. The tendency to focus on global and national averages lessens attention to uneven progress in education between and within countries. The failure to track the situation of girls in the most vulnerable or marginalized situations, making their reality invisible, and overall lack of data disaggregation were significant shortcomings of the Goals, in combination with a weak accountability framework.[81]

58. The 2030 Agenda for Sustainable Development marks a historic opportunity to build on the achievements of the Millennium Development Goals, draw lessons from their limitations and effectuate genuine transformation towards the full realization of human rights. With a paradigm shift from charity and needs to empowerment and rights, the 2030 Agenda should accelerate the full realization of every girl's right to education worldwide.

59. The 2030 Goals are universal and integrated, with a pledge to leave no one behind that is central to the realization of every girl's right to education, as it includes the elimination of all forms of discrimination and the reduction of inequalities faced by girls everywhere.[82] The global education community reaffirmed the importance of gender in education in the Incheon Declaration and Framework for Action.[83] In addition to the principles of universality, equality and non-discrimination, the implementation of the Goals should be guided by the principles of indivisibility of the rights of the child; the best interests of the child; the survival and development of the child; and respect for the views of the child.[84]

60. Although the Sustainable Development Goals and their targets are indivisible and mutually reinforcing, Goals 4 and 5 on quality education and gender equality, respectively, are particularly relevant and inextricably linked in the context of girls' enjoyment of the right to education. In implementing Goal 4, which addresses inequities and quality of education, States should go beyond eliminating gender disparities and strive to ensure gender equality in education, in line with the commitments made under Goal 5 and in the Incheon Declaration and Framework for Action. The targets under other goals are also closely connected to ensuring girls' equal right to education, including those related to poverty, health, water and sanitation, reduction of inequalities, ending violence against children and promoting peaceful and inclusive societies.

61. Whereas the monitoring of the targets of the Millennium Development Goals, including on education, focused on aggregate progress, the Sustainable Development Goals are universally applicable and call for the collection of reliable disaggregated data, not only by gender, but also by other grounds of discrimination. This will help to identify girls

[78] Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), para. 32.
[79] United Nations Statistics Division and UN-Women, "Millennium Development Goals Gender Chart 2015".
[80] UNESCO, *Global Education Monitoring Report 2016*, pp. 17-19.
[81] See A/HRC/34/27, para. 15.
[82] Ibid., para. 66. See also
[83] UNESCO and others, *Education 2030: Incheon Declaration and Framework for Action — Towards inclusive and equitable quality education and lifelong learning for all* (2015).
[84] Convention on the Rights of the Child, arts. 2, 3, 6 and 12.

suffering from multiple and intersecting forms of discrimination and inequality in relation to education.[95] However, disaggregation of data alone is not sufficient. Data collection should be conducted in a manner that fully takes into account key human rights principles, including participation, self-identification, transparency, privacy and accountability for rights.

62. Indicators are critical for ensuring accountability under the Sustainable Development Goals, as well as for monitoring and assessing the efforts of States to realize every girl's equal enjoyment of the right to education. At the same time, accountability should not be narrowly defined as being only about indicators. The selection of limited indicators may lead to undesirable incentives, which may eventually undermine States' obligations. For example, the Millennium Development Goals paid less attention to the quality of primary education and actual attendance and completion by narrowing its focus to gender parity in enrolment. This also led to less attention being paid to other levels of education, including secondary education, as well as gender equality and girls' right to education more broadly.[96]

63. With the foregoing in mind, additional complementary indicators could be developed at the national and subnational levels and other relevant data sources could be explored, including events-based data relating to observable human rights violations; standards-based data; socioeconomic and administrative data; and data based on surveys, opinions and experiences. In addition, efforts could be strengthened to empower rights holders, including students, school clubs, teachers and parent-teacher associations, to undertake their own monitoring of the targets by means of information and communications technology, such as SMS, crowdsourcing or the use of score cards. In that way, they could share information on what is being learned and how it is taught.

64. The assessment of the full enjoyment of human rights, including girls' right to education, cannot be reduced to quantitative data points, but should also involve qualitative assessment. Achieving the Sustainable Development Goals in line with human rights standards is more than how we monitor and measure targets. It also requires a deliberative process to understand the complex power structures that entrench discrimination and inequality, followed by efforts to dismantle those systems and build more just and equal societies.[97]

65. Existing human rights monitoring and documentation methodologies that include qualitative indicators and context-specific analysis will therefore be critical sources of information to complement the monitoring of the Goals to enable a fuller understanding of whether States are meeting their human rights obligations, including in relation to girls' right to education. In that regard, it is crucial that analysis of the implementation progress of the Goals, including in relation to the equal enjoyment of the right to education by every girl, is considered together and consistent with, as well as underpinned by, more comprehensive and analytical human rights monitoring and reporting.

VI. Conclusion and recommendations

66. **Based on the present report, it is recommended that Member States and other stakeholders, as relevant:**

(a) **Eliminate multiple and intersecting forms of discrimination, including repealing laws, policies, regulations and practices that directly and/or indirectly block girls from accessing quality education;**

[95] Human Rights Committee, general comment No. 28 (2000) on the equality of rights between men and women, para. 28; Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 38 (f).

[96] Elaine Unterhalter, "Education targets, indicators and a post-2015 development agenda: Education for All, the MDGs, and human development", Working Paper Series (Harvard University, 2013), pp. 5 and 20-21.

[97] See A/HRC/33/24, paras. 47-48.

(b) **Adopt and periodically review, monitor and evaluate constitutional guarantees, legislative frameworks, policies and programmes to counter discrimination and ensure the enjoyment of the right to quality education by every girl, as well as respect the best interests of the child and her right to be heard;**

(c) **Ensure adequate financial resources and direct and transparent gender-sensitive budgeting for legislation, policies and programmes on girls' education at all levels and in all situations, including through international cooperation that is coordinated, sustainable and monitored and effectively targeted to those girls most at risk of being left behind;**

(d) **Ensure that the right to education is justiciable and that every girl is aware of her rights and has access to child-friendly, gender-sensitive and safe judicial and non-judicial remedies, and strengthen the monitoring by national human rights institutions of girls' equal enjoyment of the right to education;**

(e) **Take proactive, holistic and appropriate measures, including awareness-raising and dissemination of information, to promote girls' education and dismantle harmful gender stereotypes in public and private life, including in education, in cooperation with girls and boys, civil society, community and religious leaders, and the media;**

(f) **Periodically review and revise school curricula, textbooks, programmes and teaching methods to ensure the elimination of harmful gender stereotypes, inclusion of gender equality and human rights education, and ensure that comprehensive education on sexuality and reproduction is part of the mandatory school curriculum;**

(g) **Ensure that girls enjoy the same quality education as boys, including the same range of courses and activities, including sports, even where schools are segregated by gender;**

(h) **Ensure that teachers are qualified and adequately trained, including on human rights and gender equality, and that girls are encouraged to freely choose non-traditional fields of study, including through academic counselling;**

(i) **Guarantee the enjoyment by every girl of a non-discriminatory, inclusive and quality educational environment that is gender-sensitive, transformative and responsive to their views and needs, including accessible education facilities with safe drinking water; separate, sheltered latrines for girls; and resources for menstrual hygiene, with attention to girls with disabilities;**

(j) **Ensure the same admission criteria for girls and boys at all levels of education, in public and private educational institutions, eliminate direct and indirect costs to quality education and protect girls, in particular those most disadvantaged, against exclusion and interference by State actors and private entities;**

(k) **Ensure that education is safe and physically accessible by every girl, including girls living in rural and remote areas and, in that context, provide safe, affordable, gender-sensitive and accessible means of transportation to and from school;**

(l) **Take proactive measures to ensure that pregnant girls continue to attend and complete school, including through the availability of childcare facilities, breastfeeding rooms and counselling on the school premises, and encourage young mothers and girls who have dropped out to reintegrate and re-engage in the educational system;**

(m) **Take adequate measures to eliminate all forms of violence against girls, including school-related gender-based violence and harmful practices, and effectively prevent, investigate, prosecute and punish the perpetrators of gender-based violence, including by teachers;**

(n) **Protect girls and educational institutions from attacks on girls' education, including in the context of violent extremism, and prevent the use of**

schools for military or shelter purposes, as well as ensure the adequate and gender-sensitive allocation of funds to girls' education in emergency situations;

(o) Adopt temporary special measures aimed at realizing de facto equality between girls and boys in tandem with measures for girls most at risk of being left behind;

(p) Address the challenges that migrant girls face in enjoying their right to education, including through the adoption of innovative approaches and curricula and the development of procedures, mechanisms and partnerships, so as to ensure access to effective and quality education, on the basis of equality of treatment with nationals of the country and boys;

(q) Affirm the centrality of human rights in the 2030 Agenda for Sustainable Development, emphasize the inextricable connection between Goals 4 and 5 on quality education and gender equality, respectively, and the interdependence and mutually reinforcing nature of all the Sustainable Development Goals and their targets more generally, and reinforce linkages between international and regional processes, including the Incheon Declaration and Framework for Action;

(r) Ensure a human rights-based approach to the collection, production, analysis and dissemination of data on gender equality in education in all contexts and adopt human rights-sensitive indicators to monitor progress at the national level, including in the context of the implementation of the Sustainable Development Goals, complemented by human rights reporting and analysis.